

**CALENDAR ITEM
C36**

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08/11/09
WP 7279.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Lucky Bluff, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to 9115 State Highway 89, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boatlift and two mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning February 6, 2009.

CONSIDERATION:

\$3,574 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

This lease contains a provision which requires the Applicant to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On June 14, 1999, the Commission authorized a ten-year Recreational Pier Lease with Roy L. Wickland and Janet E. Wickland. That lease

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expired on February 5, 2009. On May 25, 2007, the ownership of the upland property was transferred by the Wicklands to Laurel Inn Associates, LLC. Later that same year, Laurel Inn Associates, LLC changed its company name to Lucky Bluff, LLC, through an amended LLC Agreement. Lucky Bluff LLC is now applying for a new General Lease – Recreational Use.

3. Applicant does not qualify for rent-free status because the Applicant does not own the littoral property as a natural person pursuant to Public Resources Code section 6503.5.
4. Staff is recommending the Commission accept rent in the amount of \$7,147 for the period starting from May 25, 2007, the date the ownership transferred to the Applicant, through May 24, 2009.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES;

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ACCEPTANCE OF RENT IN THE AMOUNT OF \$7,147 FOR THE PERIOD OF MAY 25, 2007, THROUGH MAY 24, 2009, AND WAIVE ANY PENALTY AND INTEREST THAT MAY HAVE ACCRUED.
2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO LUCKY BLUFF, LLC, BEGINNING FEBRUARY 6, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOATLIFT AND TWO MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$3,574 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.